

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEREMY MADDALENA,

Plaintiff,

v.

SNOHOMISH COUNTY, *et al.*,

Defendants.

CASE NO. C23-0701-JCC

ORDER

This matter comes before the Court on Defendants' motion to dismiss for failure to prosecute. (Dkt. No. 15.) Having thoroughly considered the relevant record, the Court GRANTS the motion for the reasons explained herein.

Under Federal Rule of Civil Procedure 41(b), "[i]f the plaintiff fails to prosecute . . . a defendant may move to dismiss the action or any claim against it."<sup>1</sup> And here, Plaintiff has taken no action to prosecute this litigation since Defendants removed the case. This includes Plaintiff's failure to respond to the instant motion, despite service on prior counsel, (*see* Dkt. No. 15-1 at 3), and the Court's own attempts to contact Plaintiff.<sup>2</sup>

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<sup>1</sup> Under the local rules, that plaintiff "shall be given an opportunity to show cause in writing . . . why the case should not be dismissed." LCR 41(b)(1). By failing to respond to Defendants' motion, Plaintiff has waived that right.

<sup>2</sup> Prior counsel, who filed the case on Plaintiff's behalf in Snohomish County Superior Court, indicated to the Court that they did not intend to lodge an appearance and have attempted

1           Therefore, the Court GRANTS Defendants' motion (Dkt. No. 15) and DISMISSES the  
2 complaint in this matter with prejudice.

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4           DATED this 29th day of May 2024.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE

to advise Plaintiff of such. The Court later contacted counsel and directed counsel to notify  
Plaintiff of the instant Rule 41(b) motion.